

**Town of Southeast  
Zoning Board of Appeals  
Minutes of May 18, 2020**

Timothy Froessel, Chairman	Present
Paul Vink, Vice Chairman	Present
Roderick Cassidy	Present
Greg Wunner	Present
John McNeill	Present
Steve Corozine	Present
Andres Gil	Present
Ashley Ley, Town Planner	Present
Willis Stephens, Jr., Town Attorney	Present
Victoria Desidero, Board Secretary	Present
JoAnne Ciralli, Assistant	Present
Ashley Ley, Town Planner	Present

**Work Session:**

**Regular Session:**

**Chairman Froessel:** Welcome to the May 2020 Public Hearing of the Town of Southeast Zoning Board of Appeals. This is our second meeting by Zoom and I appreciate everyone's patience in joining us in this format. It's a little unusual and there are some hiccups along the way. Overall, I think last month's meeting went pretty well. We'll try to do the same this month. For those who are joining us for the first time, my name is Tim Froessel and I'm the Chairman. Our Vice-Chairman Paul Vink is also on with us and our other Board members Rod Cassidy, John McNeill, Steve Corozine and Andres Gil all on and our Administrative Assistant Victoria Desidero is also on. We have three items on the agenda tonight. The first one is a holdover from last month; DC3 Holdings, LLC aka Fast Lane Quick Lube and Car Wash. Number 2 on the agenda is PLI, LLC aka Stateline Retail/Restaurant Depot and number 3 on the agenda is also PLI, LLC aka Stateline Retail/Restaurant Depot. Those are two separate applications from the same applicant. So, without further ado, I think we'll pick up with number one, DC3 Holdings.

**1. DC3 Holdings, LLC, aka Fast Lane Quick Lube and Car Wash,**

**Tax Map ID 46.-1-6** - Continued Public Hearing to review an application for a Use Variance to add Motor Vehicle Service Station Use to a property in a Zone that does not permit this use. The property has an existing Special Permit for Quick Lube and Car Wash in the SR-22 Zone.

Donald Curran, Business Owner and Richard O'Rourke, Attorney for Keane & Beane, represented the application.

**Chairman Froessel:** I'll start by saying that one of the reasons why we held you over last month was because we wanted to see what was in the Planning Board file. There was sort of a modification to the applicant's application in which they were seeking an interpretation of the Special Permit that was granted back in 2000. We got documents from that Planning Board file. I reviewed them. I have to say that I didn't find anything in them that was particularly enlightening; although there was some interesting history. With that, Rick and/or Mr. Curran, I will turn it over to you.

**Mr. O'Rourke:** Thank you, Tim and thank you for allowing time to review the application. Let me just say I've been having internet issues so, quite frankly, I'm just hoping everything is going to hold up here. In any event, earlier this afternoon I sent to everyone, after having internet issues, the Statement of Use which I also found in the file. I don't know, Tim, if you had an opportunity to see that. There were actually two Statements of Use; one dated 2/18/2000 and a subsequent one dated 6/15/2001. I was looking at that because, quite frankly, I was trying to figure out precisely what had been said with respect to the use. What we have in this, in these two documents is the same statement. It says, I'll read from the second one which is more accurate in terms of square footage. It says, "6,290-foot square foot building which contains an automatic car wash and a quick lube." That's what it says. So, it says a car wash and a quick lube. As far as words of limitation in that regard, the limitations are related to the actual car wash itself and not the facility or anything. I can hear something going on in the background. Can you hear me all right?

**Chairman Froessel:** I can hear you, Rick.

**Mr. O'Rourke:** OK, all right. So in any event, I'm not finding words other than that simple declarative sentence, OK. Now, with that, what I then did is go back to the Resolution of Approval. I won't rehash all of the information we have that in fact we know prior to 2013, going back some Years and then continuously through until Mr. Curran bought the property in 2016, it had been a NYS inspection station and it had been a NYS repair service and that had continued. He bought the property. Now it is in his name. He is, as we know, a licensed NYS inspection station and he is also a licensed NYS repair shop. And you know that, based upon the information given to you last month in terms of all of the documents and records we got from the Department of Motor Vehicles, that it says that a facility number and a name of a previously registered repair shop that was in that location will (inaudible) by the Department of Motor Vehicles and the previously registered facility must be verified through DMV records and it must not have expired more than 10 Years prior to the filing of the application. So when he bought the property, I did not represent him on the buy. It obviously was a NYS inspection station and it was a NYS repair facility and that's what it was. All right, so, now turning back to the issue at hand in terms of what we know about the approvals that were received, the resolution is straightforward in terms of what it says. It is a Special Permit issued on a specific condition that the car wash facility be operated as a quick lube facility and a full service conveyor car wash defined by the International Car Wash Association as a facility where a car is pulled through a wash by a conveyor; extra services are offered including hot wax, and wheel cleaning, and hand towel cleaning, interior vacuuming, wiping and cleaning, and for no other purpose. It then goes on to say the incidental retail sale of car care products from the interior of the premises shall be permitted and then it says, "no exterior vending shall be allowed." What we have by this way of application is no proposal whatsoever in regard to the changing of the footprint, no proposal in terms of any outdoor storage or any outdoor display of anything; merely using the floor pits that he has there in the facility to be allowed to put on tires and brake pads. Now the interpretative issue as I see it really revolves around what is the incidental retail sale of car care products from the interior of the premises. It says it shall be permitted. We gave you last time all of the items and services that are provided presently. We also, and you are aware of the fact that, for example, if somebody needs a windshield wiper, he can sell a windshield wiper. That is something that is attached to the car. A guy comes through, whether it's the car wash or it's there for inspection, if he needs a new windshield wiper, then that clearly to me is an incidental retail sale of a car care product. What is a car care product? It's not defined. We know what that means from a legal basis. So my point is

this that I think that there is a lack of a definition of, there's no question that he can have the incidental retail sale, not that you're marketing it extensively with outdoor displays or anything else, but if somebody needs a windshield wiper and it gets attached to the car, he can sell that. My argument is that, quite frankly and respectfully, if somebody needs a tire and he can sell the tire and whatever display he has is in the interior with no exterior vending, my point is that it makes common sense if someone needs something like that, he should be able to sell it, particularly as an inspection station if he fails somebody for poor wipers or he fails somebody for a poor tire and instead of putting that person back on the road and saying you failed, I can't pass you. He can fix it and it makes sense. And so, respectfully from an interpretive issue, and all of this came to light, quite frankly, based upon a review of all the information that we received from the FOIL request that took us forever to get, as well as taking a look at the file in terms of the Statement of Use and, of course, I had to go up to Town Hall, they had to requisition the file, I had to have my gloves on and my mask, the whole thing. And so my point is one of basically what we're dealing with is, I think, a situation where and based upon even one of your Zoning Board members stating that in fact he recalls tires being displayed in the interior of this thing. Quite frankly, I think what happened was my client bought this property. He thought he could do what he was doing; he was an inspection station; he's a repair service station all duly licensed. He then gets the notice that you can't do this; he then looks at it and says 'ok, you're telling me I have to amend my Special Permit.' He went to the Building Department and said, 'I want to amend my Special Permit' and with that, the Building Inspector said well, it's a Use Variance because you're amending something that is no longer a permitted use. So, is it some kind of perfect storm? In some respects, I think it is. So I think first and foremost, that's something that requires consideration and secondly, coming to the Use Variance issue, we've disclosed all of the income tax returns. There's no question you also recognize that he already owes \$80,000 in back taxes. He's in a position now, regardless of COVID, this property is failing. And so, based upon the criteria to be applied and knowing what we're up against, and all you have to do is go to the ACME supermarket, shopping center and see the vacant storefronts. We're at a point now, where can the property as zoned... were you not to buy my analysis in terms of interpretation, you're in a position now where... Quite frankly, it's self-evident we're going to have a lot of failures and I'm not... I can't understand how under these set of circumstances and based upon the financial information furnished before, what we're going through how you could not say that this is property is entitled to a Use Variance. Lastly, Mr. Curran went and did some analysis; took a look around for other facilities that might be somewhat analogous. One that was fairly close by up in Lagrangeville off Route 55 I believe was the Be Wise Car Wash and Oil. It's a NYS inspection station. It's a licensed repair shop. Obviously, under those set of circumstances, there is a lot of comparisons that could be made and the point being that this business has evolved. There is some additional information. I don't know whether Ashley can put it up very quickly. Right now, we know that Jiffy Lube, for example, has over 2,000 locations. It started as Jiffy Lube. It's now evolved over time. What's happened is they're now car centers and Meineke (was Monroe Muffler, was Meineke) all of these organizations; Firestone used to be a tire dealer, they're now car care centers. There has been an evolution with respect to this particular use. Finally, I don't know whether you saw the article that was in LoHud this morning regarding Ace Endico. Ace Endico is approved, fully approved, one of the more successful businesses in the Town of Southeast, and it is distribution. They supply food to Yankee Stadium. They supply food to Citi Field. Right now, Yankee Stadium isn't open; Citi Field isn't open. Now what they are doing, they have vans. They bought vans. They are now in the business of delivering food to homes. That's an evolution. I don't know whether a Code Enforcement Officer is going to come along

and say, 'close it down,' but by the same token, there has to be some flexibility in regard to these kinds of things. It's clear that a Zoning Board of Appeals, and you can read the case law, and I know there's a couple of attorneys on there, it's a relief valve. It's a safety valve. You have a circumstance here where property has become a pre-existing, nonconforming use. We all know that if we go the route of a Use Variance criteria and demonstrating that the property as Zoned cannot yield a reasonable economic return based upon a dollars and cents proof, based upon the arrearage that already exists with regards to the taxes in excess of \$80,000, which is just going to increase. This is the type of case that deserves relief. That's all I have to say. I mean, you have all of the information and I've reviewed the file. The only thing I can find here is that Statement of Use which just says "car wash, quick lube" without definition.

**Chairman Froessel:** OK, before I chime in, Mr. Curran, do you have anything to add in before the Board starts discussing?

**Donald Curran:** I really don't. I just want to thank you all for your time. I know we've been at this for three swings now and you know this is a small business that's here to serve Brewster. I'm committed to doing that and I just want to thank you very much for your time and your consideration on behalf of this very important matter. So I appreciate it.

**Chairman Froessel:** You're welcome, of course. I guess I have a couple of questions. One of them is a procedural question. Will, I'm going to direct this to you. I was looking through the Code earlier today and now it's my understanding that this particular use was approved by a Special Permit that was granted by that Town Board in 2000. The Zoning subsequently changed and now the uses that are permitted in this SR-22 Zone do not include motor vehicle service stations or any type of automotive use. So, that tells me that this is now a nonconforming use at this property. Section 138-11(d) of the Town Code states in relevant part that the owner of a land, building, or structure with a nonconforming use may be permitted to make limited changes to such building, structure, or use in conjunction with a site plan review. So my question, Will, is does there need to be a site plan review from the Planning Board for this? Ordinarily, I think you know, Use Variance you come to the Zoning Board and that's the way to do it but when I read this, I'm wondering if our Town Code doesn't require some other type of procedural means of doing this.

**Town Attorney Will Stephens:** It seems as though, as you pointed out, there is a mechanism to allow limited modifications to use through that process. I don't know where this particular project stands with regard to a site plan review or whether there's something on the denial of a building permit or (inaudible) taking the interpretation from the Building Inspector. It would appear that you still have a... Zoning Boards of Appeals have the authority to consider a Use Variance, which, of course, you would be constrained by the limitations to granting these variances.

**Chairman Froessel:** OK. So that language in the Town Code that is not to the exclusion of our ability to grant a Use Variance?

**Mr. Stephens:** I don't believe it is.

**Chairman Froessel:** OK. Very good.

**Mr. Stephens:** To be honest with you, Tim, I don't think it's ever been approached from that perspective.

**Chairman Froessel:** I've never seen it approached that way but because this is a nonconforming use, I was just rummaging through the Code and happened to see that. It caught my eye.

**Mr. Stephens:** I think Ashley's got a point.

**Ms. Ley:** Yes, that provision has been used by the Planning Board to allow for limited changes to occur to pre-existing, nonconforming uses to the extent that they're site plan or physical

changes, not a change to the actual use. So there's been a number of gas stations, for example, that have come in to modify their pump layout for example, and they've been able to prove that through that provision of the Code.

**Chairman Froessel:** OK.

**Mr. Stephens:** So it's not necessarily used to expand the use that is nonconforming.

**Ms. Ley:** Right.

**Chairman Froessel:** OK. Very good. So a couple of other questions. I'm focusing now more on the first prong of the test for Use Variance which is the reasonable return. As the case law tells us, the applicant has to demonstrate that the property not only isn't demonstrating a reasonable return in its current form, but that it can't demonstrate a reasonable return under any of the permitted uses in that Zone. So I'm looking through, in looking through the materials that came back from the FOIL request that the applicant did, I notice that there's a lease. There are two entities. One is DC3 Holdings, LLC as the landlord and the tenant is Fast Lane Quick Lube and Car Wash, and the lease was signed by Mr. Curran on behalf of both entities. So, Mr. Curran, there's an ownership entity and then there's the business and they are separate entities, correct?

**Mr. Curran:** That is correct.

**Chairman Froessel:** OK, the lease says that the basic, the lease term is 300 months and the basic rent is \$9 million, which is payable in monthly payments at the rate of \$30,000 per month through the end of this term. Is that familiar to you?

**Mr. Curran:** Yes, that's... I own both companies and that is, those are the terms of the lease.

**Chairman Froessel:** OK, and so the car wash, the Fast Lane entity is paying the DC3 entity \$360,000 a year in rent. Is that correct?

**Mr. Curran:** Yes, it is.

**Chairman Froessel:** OK, so the tax returns, the copies of tax returns that we got are, I only see them for the Fast Lane and not the DC3 entity.

**Mr. Curran:** They're both there. We've given you all the tax returns and, you know, with everything that's going on right now, this business has a very, very low yield. Our total sales in the month of April were \$11,000. The current month's sales are about \$22,000. To pay a rent of \$30,000 a month, I need, you know, \$75-\$80-\$90,000 a month to even pay that. I haven't paid my own rent now in over two months because of what's happening.

**Chairman Froessel:** In the 2017 and 2018 tax returns, the rent paid by Fast Lane for 2017 is listed as \$56,808 and the rent paid in 2018 is listed as \$67,645. That's a lot less than \$360,000 a year.

**Mr. Curran:** That's correct because the business was unable to pay the full amount of rent to DC3 Holdings. In fact, DC3 Holdings right now probably has a carry forward loss of close to \$200,000. If you look at the annual returns of the tax returns of Fast Lane, and I don't have the exact figures in front of me but I know I think you all do, the first year I lost \$22,000. The next year it lost around \$45,000, which would have been calendar year 2017. 2018, it lost money again, and now we're rolling in, you know 2019 was barely a breakeven year. Now here we are in 2020 and we're in a world no one has ever seen before.

**Chairman Froessel:** OK.

**Mr. Curran:** Business is unsustainable at this level.

**Chairman Froessel:** The 2017 return for Fast Lane I'm looking at shows a loss of about \$2,500 for that Year; and \$2,900 for 2018. So I don't see those other numbers that you were quoting.

**Mr. Curran:** The Fast Lane operating company is what lost. The tax returns that we supplied to you and given to you are, and it was also in the other presentation that we showed you last

time. It's around \$25,000 the first Year I bought the business in 2016. Then in 2017 it increased to \$35,000-ish and 2018 it's in the \$40,000 range.

**Chairman Froessel:** OK, that's... that's... well... the Financial Statement in here. Hang on.

**Mr. Curran:** You have all the documentation. We supplied everything to you.

**Chairman Froessel:** I have it for Fast Lane. I don't see it for the DC3 entity.

**Mr. Curran:** That actually is a carry forward loss, but what we're talking about is the operating company that runs the car wash and the operating company that runs the lube. DC3 Holdings is just the real estate company that owns the land.

**Chairman Froessel:** Yeah, I understand that.

**Mr. Curran:** OK so... so... the... what we're trying to do is, and I know this is a tough debate for you all, but we're trying to help keep and survive the operating company, the car wash business and the lube business. We're trying to diversify the services. We're trying to benefit the people of Brewster and I'm looking, as Richard's already presented all these facts, we're trying to sell tires to customers that are doing inspections. That's what we're looking to accomplish tonight.

**Chairman Froessel:** Well, you mentioned last month they asked you if Fast Lane was selling tires in 2017 and 2018, and you said yes, they were.

**Mr. Curran:** That was before.

**Chairman Froessel:** You showed a loss on the tax return.

**Mr. Curran:** OK, in the very beginning we did sell a few tires because we were... I was under the impression as the owner of the business that we had permission to do this, and most of the people that we sold them to were either one of our fleet accounts, Enterprise, or people that came in for inspections, needed a new tire to pass. Then we would order a tire, put them on their car, balance it, and pass them. That is the objective here, to meet the needs and objectives of clients that are getting their cars inspected.

**Chairman Froessel:** And did you continue to do that until Mr. Schramek came and told you that you weren't allowed to do that under your Special Permit?

**Mr. Curran:** I... Once he came in and we talked about it, we stopped.

**Chairman Froessel:** That was in 2019, correct?

**Mr. Curran:** Yes, and then I went and asked and wrote. I went down to the Town of Brewster and I spoke with Mr. Levine about this process and, you know, why is it, you know, why is it that I can't do this because I can do tire and winter/summer changeovers. I can patch tires. I can rotate tires. I can balance tires. I can put on a tire sensor, but I was told that I am prohibited to selling new tires and I was caught off-guard about that. I did not think that that was the case.

**Chairman Froessel:** OK, I'm going to open it up to the other Board members, and I think... Oh, I'm sorry, Rick, did you have something to add? Did we lose Rick? There he is. Rick, before I open it up to the other Board members, did you have something you wanted to add?

**Mr. O'Rourke:** I can hardly hear you. I'm sorry.

**Secretary Desidero:** He's having trouble hearing you, Mr. Chairman.

**Mr. O'Rourke:** I don't know what happened.

**Chairman Froessel:** OK. Can you hear me now?

**Mr. O'Rourke:** Not really. I apologize. Let me try... hold on...

**Chairman Froessel:** OK.

**Mr. O'Rourke:** Let me try. Can you hear me now?

**Chairman Froessel:** I can hear you.

**Mr. O'Rourke:** Oh, now I can hear you. I apologize. Thank you. I don't know, guys. I know we have an exclusive franchise with Comcast but it's not been working very well for me. I've

spoken with a couple of other people today who have Comcast and they're having the same issue. Anyway, I'm sorry, so, where were we? I couldn't hear you.

**Chairman Froessel:** I was about to open it up to the Board but I thought I heard you trying to jump in and say something. I wanted to give you the opportunity to comment before I had the other Board members speak.

**Mr. O'Rourke:** The problem is this, and I've said it and I don't want to repeat myself. The Zoning Board of Appeals is a safety valve. That's why you have a Board of Appeals. There are circumstances that develop and you can't, you can't just evaluate them in a vacuum. You have to take into consideration the environmental considerations and what's going on and you know, if this is the type of application that... Quite frankly, you know, if the relief isn't granted, it's going to be another vacant storefront. It's going to be another vacant property and the taxes aren't going to be paid. And I just... I can't... Respectfully, this is the kind of relief that a relief valve is for and I've said my peace. We've made our arguments and I just, I can't say anything else about it. It's what it is. It is. It is what it is so thank you.

**Chairman Froessel:** OK. Thank you. I'll open it up to the Board members. I'm going to follow the same procedure as last month whereby I'll call on each of you by name and have you do that so we're not all speaking over each other. So, I'll start with Vice Chairman Vink. Paul, do you have any comments or questions for the applicant?

**Boardmember Vink:** I don't have any questions. I've got a pretty good idea what's going on and I understand the arguments that are being made. I have some comments for after we close the Public Hearing, but I don't have any questions for the applicant.

**Chairman Froessel:** OK, very good. Rod, how about you?

**Boardmember Cassidy:** I have no questions.

**Chairman Froessel:** OK. Greg, any questions for the applicant?

**Boardmember Wunner:** I have no questions.

**Chairman Froessel:** OK. John, how about you? Any questions?

**Boardmember McNeill:** No, I don't have any questions, but I do have, you know, comments after we close the Public...

**Chairman Froessel:** OK. Steve, any questions?

**Boardmember Corozine:** No questions. No.

**Chairman Froessel:** OK. Andres, any questions for the applicant?

**Boardmember Gil:** No questions, Tim.

**Chairman Froessel:** OK, very good. Is there anyone else on this Zoom meeting that has any comments or questions about this application? (Pause.) OK, hearing nothing, I will assume that there are no questions. OK, so I guess we've vetted this. I think the procedure here is there are two votes in front of us. One is on an interpretation of whether the original Special Permit actually permitted the use that the applicant now seeks and if the vote on that is negative, then we have a second vote on the Use Variance and the standard state required criteria for that. Anybody have a different view? (Pause.) OK, all right, but we have a question from, I think it's (Town Councilman) John Lord asking does a Use Variance go with a property if it is sold? Yes, my understanding, and Will can correct me if I'm wrong, is that any variance whether it's an Area Variance or a Use Variance remains with the property.

**Mr. Stephens:** That is correct.

**Chairman Froessel:** OK. All right, so I guess before we close the Public Hearing, Rick, do you have any final words you'd like to offer to the Board in support of the application?

**Mr. O'Rourke:** No. I think we've provided you the documentation we could... We promised we'd be forthright in terms of the FOIL request. We've given you all the documents we can. We provided the information and I think you have a sense of the evolution of the use of this

property, the Zoning of this property, and what was there before and what is there now, and why we need this.

**Chairman Froessel:** OK. I'll just agree with you. You have been forthright. You've provided us a lot of information and we do appreciate that. Thank you.

**Mr. O'Rourke:** Thank you.

**Chairman Froessel:** OK. So with that, I will close the Public Hearing and, if any of the Board members have any comments to offer, I'll start with Paul since you mentioned you'd have some comments once we closed the Public Hearing. So why don't you go ahead, Paul?

**Boardmember Vink:** All right, so with respect to the first issue about what's covered under the grant from the Board in the first place. It seems clear to me that auto repair is not a covered use that was granted by the Board in 2000. It's an oil change and car wash. I don't think there's any way to read the Special Permit... Special Use Permit that includes auto repair. Frankly, I'm not even sure that they should be doing inspections; based on what was granted by the Board. I think that the incidental retail sale of car care products, I think clearly applies to what you would normally find in a car wash; that is, things to hang off your window, you know, scents, car scents, things that clean the interior and the exterior of your car. I think those are the products that are being referenced. You know, obviously, you're paying for oil that's being used in an oil change, but I don't think there's other products that are being referenced there. So, if we're splitting this discussion into two, that's my position on that one and we can go forward from there.

**Chairman Froessel:** OK, and for that matter, Paul, I'll just state that I agree with you on that issue. For as long as I've been on the Zoning Board, which is too long, the term 'Motor Vehicle Service Station' has been a defined term in the Code and I think if the intent had been to have a full automotive repair center at this location that language would have been used. I think, you know, I think Will mentioned last month that lube was used as sort of a term of art for something less than a full automotive service center. So, I agree with you on that. Rod, any comments or anything before we vote?

**Boardmember Cassidy:** No, I have no comments on the first part. I'd like to know would it be appropriate to discuss the second one in conjunction with the first one?

**Chairman Froessel:** I think, well, Yeah right. Let's do all our deliberations now then we'll do the two.

**Boardmember Cassidy:** Yeah, I think that... I think that would be most appropriate because there are... I don't want some people to feel they have to vote one way because the second one is coming. I want everybody to know. I want everybody to see everybody's cards.

**Chairman Froessel:** Fair enough, fair enough. Greg, any comments in furtherance of our deliberations on this?

**Boardmember Wunner:** I do tend to agree on with the description of the products that were available that Rod mentioned, but I do understand that businesses change and they have to offer other products as the climate changes. So, maybe initially it was described as such but I do understand it would have to change with the times.

**Chairman Froessel:** OK. Anything else?

**Boardmember Wunner:** That's about it.

**Chairman Froessel:** OK. John, I know you said you'd have some comments.

**Boardmember McNeill:** Yes, honestly, I've known this facility. I don't know the gentleman that owns it now but I've frequented it since it opened and I believe I reiterated at the time that I remember them, you know, there was a Monroe shock advertisement in the little facility there where the cashier was and they were doing tires. I just think it's a shame that, you know, this property has already, this is its third or fourth invention. If we don't let this

gentleman do this, which is within the facility, the existing facility, he's not looking to expand, he's not looking to put tires outside, rows and rows of tires. I think that we'll be responsible for putting another business out of business and I don't think that's why we're here. I mean if we have to bend a little to let this gentleman, you know, move forward and there's no objection... As a matter of fact, there was a gentleman there two months ago when we had the live meeting who just wanted to make sure that there was nothing going to be going on; no loud noises. I mean, he's going to be doing general tire, brake inspections, tire changes. I don't understand, you know, why, whatever the Code says, I don't care. I don't want to; I don't want to put another Brewster business out of business. That's all I have to say.

**Chairman Froessel:** OK. Thanks John. Steve, any comments in furtherance of the deliberations?

**Boardmember Corozine:** Yeah, just in terms of the interpretation issue; automatic car wash and quick lube. You know, what I see defined originally by the Board in terms of Special Permit, I don't see, you know, the auto repair in scope of that definition at all. In terms of the Use Variance, it appears to me that the financial bar has been met. You know, my only concern would just be, you know, character of the neighborhood. Obviously, it's a retail district. We just want to make sure that there's no negative impact to residences there as it relates to noise from air guns or stacks of tires being around the property or anything, you know, of that nature.

**Chairman Froessel:** OK. Well, I believe as part of this application, we've been told that the applicant is not seeking any type of outdoor storage, so I don't think that's an issue.

**Mr. O'Rourke:** That is correct.

**Chairman Froessel:** OK. Andres, any comments?

**Boardmember Gil:** I think we've covered a lot of the issues and addressed the criteria; most of the criteria, and as John was saying, I have to reiterate what John was saying. It's unfortunate. We do not want to implicitly put another Brewster business out of business and these times are... I think, what Mr. O'Rourke was saying. You know, these are compassionate times that we're trying to all find an ability to adjust, and make adjustments so that we can preserve livelihoods while taking the community into consideration and looking at the work that has gone into this application and the dedication of the work that's gone into this application; the PowerPoint perspective; seeing the visual aids; the comparisons with the similar businesses, businesses similarly situated within the Putnam and Southern Dutchess community here in the lower Hudson Valley, and understanding that, you know, there's a limited... Limited things are being addressed with respect to noise issues and storage and that. You know, just want to make sure that we are addressing that. That it's clear that we're working under the assumption that there's going to be no tires, you know, like, it's not going to be an eyesore where there's going to be tires floating all over the place and it's going to be another thing that we're going to have to address later on as... But it's actually something that's going to benefit the community. Just want to make sure that that record is appropriately made. That's all I have.

**Chairman Froessel:** OK. Thanks, Andres.

**Boardmember Cassidy:** I will agree with Andres that Rick O'Rourke has done an extraordinary job as usual.

**Chairman Froessel:** And I agree as well. Paul, go ahead.

**Boardmember Vink:** Yes, with respect to Steve and Andres, the discussion about the economic feasibility. I think this is where I'm honestly hung up on this application for Use Variance. The rules, the Code and the...  
(Silence.)

**Chairman Froessel:** You're cutting out on us, Paul.

**Boardmember Vink:** ...and the applicant has to show that he cannot realize a reasonable return for any permitted use of the property and I don't, in my mind, you know, I see that he is having trouble here and financially struggling, but I don't believe that the burden that is the number one criteria has been met on this application. You know, its current use is clearly foundering and that's an issue and that's unfortunate but I don't think that the criteria have been met to grant a Use Variance on this application and we grant so few of them and we don't really address them very often. The last one that was in front of us we did grant but it was, there was a lot more financial showing there with respect to the use of the premises and I don't think it's here. And I wish it were because frankly I'd like to grant this application, but I don't think in good conscience that I can vote in favor of this because I don't believe the criteria is met. So that's all.

**Boardmember Corozine:** Yeah, I just had one question around that, Paul. That's a good point but in terms of the, you know, structure and architecture of the building... I'm looking at it saying, 'that has limited options in terms of what it could be used for outside of the fact that...' whether it's a car wash or something automotive-related. You know, given that, you know, the car wash and all of the intrinsic things that are part of that operation and also bays. So, looking at that, you know, what other feasible options would be there for economic use?

**Chairman Froessel:** OK. John, you have your hand up?

**Boardmember McNeill:** Yes, I do. Again, I mean... we at some point have to come back to the point that this business, this facility has already, you know what, we'll say it. It's failed three times already; two or three times already and now this gentleman is here before us for us to make a decision on whether he stays in or goes out of business. I understand there's, there's restrictions, there's this, there's that. This building is 300 feet off the road. It's basically a car repair facility. I mean, if this gentleman goes out of business, that building will now sit there forever because we can't understand that what he's asking for from us is nothing. I mean, I've seen what goes on in there. They're repairing cars. They're doing oil changes. They're, you know, doing the simple things. He's just asking for tires and brakes, and now he is a NYS certified inspection station and with that, if somebody comes in there, and they have bad brakes, they have bad tires... In good faith, this gentleman really can't send the car out of there and if he has the ability in there that nobody surrounding him is concerned about, why not let this gentleman do this? I just don't understand why we want to put another business in this... especially now in this economy. We have no idea where we're going in the next six months, year or two years. You know, if we put this gentleman out of business, that property will sit there forever because nobody's going to make money there running cars through a car wash. Thank you.

**Chairman Froessel:** Thanks, John. All right, anyone else have anything to add before we go to a vote? Andres?

**Boardmember Gil:** Yeah, I think, just to kind of reiterate what John was talking about and to kind of address what Paul's concern was. It's looking at the property itself the way it is situated. It's not like you're going to be able to put a gas station that's associated with a car wash to increase the car wash's revenue. It's not like you're going to be able to put a deli in there to serve coffee and bagels while people are getting their oil changed. There's no room for anything like that within the structure the way it exists. So the limit on the reasonable rate of return, when we look at the actual totality of circumstances surrounding the property itself, I really think that this is really what we're trying to focus with and the end result is... looking at the end result. The end result is next door there is a vacant property and on the other side there is a gas station and across the street there's vacant property. So the more and more that we are applying the criteria so minutely, and so rigid, so rigid, without having any flexibility

whatsoever for interpretation is having a detrimental impact on our economy. I think that's something that we really should be taking into consideration when we're looking at the... when we're looking at applying the financial impact of it. Because it's not just a business, it's also our community. There's jobs that are associated with that business. So that's all I have.

**Chairman Froessel:** Thanks, Andres. Rod, I see you have your hand up.

**Boardmember Cassidy:** Yeah, one observation. First of all, let me tell you I've gone there a thousand times. I've had my oil changed there a thousand times. My big concern with this is: if we make this change this month, two months from now when Splash comes back and says I can't, I want to start doing repairs at Splash... the other competitor down the road, you know, are we going to be in a position to say 'no'? Because we've already decided that if you're just a car wash, you can't do business here in Brewster. You can't survive in Brewster merely being a car wash. So that's my... that's my concern. As sympathetic as I am to this application, as much as I'd like to grant this application on a personal level, you know... hard cases make bad law.

**Chairman Froessel:** That's very true, Rod. I'll just note that, you know, in the applicant's initial submission to the Board, it was stated that being able to do the brake repairs and tire replacements would add a total of \$45,000 of profit per year to the business, which to me is a drop in the bucket. I don't know that it's going to be enough to save a business. So then what happens? Forget the car wash down the street. What if this applicant comes back to us and says 'well, you know what, now it would really be good if I could do whatever needs to be done if somebody comes in with a check engine light on. Would I be able to hook up my OBD-2 scanner and if they need new oxygen sensors, put those in or what have you?' It becomes a bit of a slippery slope if somebody's not making the profit that they anticipated making. The statement's been made a couple of times that this business has failed a few times. This applicant, according to the submission that we got, paid \$3.5 million for this, the property and the business. You don't, I wouldn't lay out \$3.5 million for something that was a failure. It's changed hands several times for sure, but I can't necessarily say that it was a failure. So, with that, anything else before we proceed to a vote? John?

**Boardmember McNeill:** I believe Splash is just a car wash. They do not have the facility to do oil changes unless... I've never been to Splash but from what I understand they are just a car wash. They're not looking to do oil changes. They're not looking to do brakes. This facility, if you've walked through it, is a full-service facility. Now, again, why they didn't apply for this at the beginning, 20 years ago? I'm not sure but if there is an ability to keep this, if this is the last ditch effort to keep this property viable, keep it on the tax rolls, not make it a burden to the community, I don't know where we're going from here. Thank you.

**Chairman Froessel:** OK. Thanks, John. Are we all talked out? Do we need any further deliberation? So we can proceed to a vote. I will... I will make the first motion.

The motion that the original grant of a Special Permit for this property by the Town Board did not include broader, was limited to a quick lube, and did not include broader automotive or motor vehicle repairs, including but not limited to brake repairs and tire replacement was introduced by Chairman Froessel and seconded by Boardmember Vink.

Roll Call Vote:

A. Gil	In Favor
S. Corozine	In Favor
J. McNeill	Opposed
G. Wunner	In Favor

R. Cassidy	In Favor
P. Vink	In Favor
T. Froessel	In Favor

**Chairman Froessel:** That motion is carried. So, we'll then need to proceed to the second part which is the Use Variance application. I'll entertain any motion anyone would care to make on that. I'll state that I prefer that someone make a motion in favor of the application rather than against it because the Board... tallying the votes gets confusing.

The motion to grant the applicant the Use Variance was introduced by Boardmember McNeill, seconded by Boardmember Gil. Boardmember McNeill stated he did not have the criteria in front of him.

**Chairman Froessel:** OK, John. I will need you to address the criteria but if you don't have them, I don't know how you are going to do it.

**Boardmember McNeill:** I would acquiesce to Mr. Gil.

**Boardmember Gil:** I don't have the criteria either in front of me. I was just looking for it.

**Boardmember Wunner:** I have it. I have it if we need to read it.

**Chairman Froessel:** Andres, you have it?

**Boardmember Gil:** I do not have it.

**Boardmember Wunner:** I can read it for John and John can agree.

**Chairman Froessel:** That's a good idea. That's fine.

**Boardmember McNeill:** Thank you.

**Boardmember Wunner:** OK, ready John? So the applicant cannot realize a reasonable return provided that lack of return is demonstrated by competent financial evidence. What is your response to that?

**Boardmember McNeill:** I believe that the financials that were submitted have shown that this business is in trouble. Unless we grant him the Use Variance, it will be a very, very large hardship on the applicant.

**Boardmember Wunner:** OK, great. Number 2: would be that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or the neighborhood.

**Boardmember McNeill:** OK. It is very unique. Again, we're going back and forth, splitting hairs about financials and what the right thing to do is but I think that, as presented, we know what the outcome of this will be should we not grant this use variance.

**Boardmember Wunner:** OK. Number 3: would be that the requested Use Variance, if granted, will not alter the essential character of the neighborhood.

**Boardmember McNeill:** It will never alter the... I don't believe that it will ever alter the character of the neighborhood because if this gentleman closes down, we're going to be in the position again with the next person that comes in here and the building, the facility, the actual surrounding areas are very well-maintained. It's a nice property on Route 22; one of our main corridors in the Town of Southeast.

**Boardmember Wunner:** OK. The last point is that the alleged hardship has not been self-created.

**Boardmember McNeill:** That, that, that again is debatable but you know, we're at a point now where we are where we are. We're the sitting Board members that have to determine if we close another Southeast business down in a very unstable economy and I hope we do the right thing. Thank you.

**Chairman Froessel:** OK. Thank you, John. We'll do a roll call vote and Andres; I will start with you.

Roll Call Vote:

A. Gil	In Favor
S. Corozine	In Favor
J. McNeill	In Favor
G. Wunner	In Favor
R. Cassidy	Opposed
P. Vink	Opposed
T. Froessel	Opposed

The motion to grant the Use Variance application passed by a vote of 4 to 3.

**Chairman Froessel:** So, you've got your Use Variance, Mr. Curran.

**Mr. Curran:** Thank you very much. I appreciate your time and effort. I will work hard to support the community and maintain this property. I very much appreciate all your efforts on my behalf tonight. God bless you all.

**Mr. O'Rourke:** Thank you. Good night.

**2. PLI, LLC, (aka Stateline Retail / Restaurant Depot) Site Plan 3411-3751 Danbury Road, Tax Map IDs 68.-2-48.1 & 48.2**

Public Hearing to review an application for permission to vary the terms of section 138-15.1A.(1) of the Zoning Code as the same limits the construction of manufactured slopes exceeding 30 feet in height and which have a slope angle steeper than two horizontal to one vertical or 50% to allow the applicant to develop its property with manufactured slopes in excess of 30 feet.

Jeff Contelmo, Insite Engineering and Paul Camarda, Owner represented the application. They were sworn in.

**Chairman Froessel:** Moving right along, number two on the agenda is PLI, LLC aka Stateline Retail/Restaurant. There are two applications for this applicant. The first one I believe is the variance request regarding manufactured slopes. Who's here on behalf of that applicant?

**Mr. Contelmo:** Hi, Jeff Contelmo from Insite Engineering and I think Paul Camarda, the owner is also on.

**Chairman Froessel:** OK. Good evening, gentlemen. Before we begin, I'm going to ask the Vice-Chairman to swear you both in.

**Boardmember Vink:** Gentlemen, would you raise your right hands please? Mr. Contelmo, would you raise your right hand please? Do you swear the testimony you are about to give is the truth to the best of your knowledge?

**Mr. Contelmo:** Yes, I do.

**Mr. Camarda:** I do.

**Boardmember Vink:** Thank you.

**Chairman Froessel:** OK. This comes to us by way of referral from the Planning Board. Gentlemen, why don't you go ahead and explain your application to us.

**Mr. Camarda:** Can the Board hear me right now?

**Chairman Froessel:** Yes.

**Mr. Camarda:** OK. I guess some of the Board members were on the Board back when I came in front of the Board with my professionals over 10 years ago. To give you a brief history, we started the approval process for this project back in 2005. From 2005 to 2010 we

went through a Full Environmental Impact Statement. As part of that process, we went to the ZBA regarding signage, some manufactured slope issues. We had multiple meetings in front of that Board, in front of the ZBA. During the last 10 years since the project has been approved, we've been paying the taxes for the last 10 years while the property sat; about \$80,000 a year. We've probably paid the Town of Southeast \$1-\$1.2 million in taxes for the raw land. In that time, we haven't used any of the Town services. During the time we got the approval in 2010, we were in a major recession; the Great Recession. The market started to pick up for us where we thought there was some light at the end of the tunnel at about 2014. 2015 we really had to deal with the Amazon factor and that factor had just never relented. As you know, the world has changed. Online shopping has become a bigger deal. The end result was in 2016 and 2017 all retail expansions ended. Stores started closing in record amounts in 2017, 2018, 2019. In fact, in 2019, we had more closings in the first half of 2019 than we had in all of 2018. So the rate of closing was really accelerating in 2018 and 2019. Then this year, we throw the pandemic on top and we say 'wow, tough world out there.' I felt good for the gentleman with the Use Variance. I understood the situation; the restrictions on the Use Variance, but, boy, I certainly understand, understood both sides of that argument. It is tough out there. It's tough for these businesses. It's tough for everybody. There's some publicly traded companies going broke; the names that I grew up with, JC Penney, all the companies, they're all having... Sears... things you'd never believed. In July of 2019, after 10 years of discussion, believe it or not, Restaurant Depot and I came to an agreement. We submitted to the Board in December; the Planning Board, Town Board, in December of 2019. Restaurant Depot was very clear and said look, we have, like most publicly traded companies and big companies, we have a blackout period. We're not going to start construction between October 1 until the spring ends. We don't get in in the spring or summer, we'll just punt it to the next, to the following spring. In this world right now, I don't know what the fall will bring. I don't know what the winter, or next spring will bring. The goal here is to get them in the ground this summer. In fact, DEC (Department of Environmental Conservation) said to us in February/March, you'd better take the trees down because we have a prohibition against removing trees from April 1 to November 1. So I had the DEC telling me to take those trees down because otherwise you're going to put us in a very ugly position this summer where you're going to want to start construction and we're going to have to block you. Well, we've taken the trees down on the site. Otherwise, we couldn't have done anything until November 1, which would have pushed us into, hopefully, the Spring of 2021 if Restaurant Depot was still on the table next spring. So we're still under that constraint to get them in the ground this year so they can start construction this summer. Like I said, no one knows what the world is going to bring, and if we did, I guess we'd all be doing something else because everybody's looking for answers. When we were in front of your Board in 2010, I believe, the Board was very understanding. I mean, honestly, you guys were understanding; that Board was understanding. We're not an exit here. You don't fall off I-84 and just, wow, here's the shopping center. We sit between two exits and the Board was good about it and gave us a number of signage variances for the building. They gave us monument variances. They gave us manufactured slope. They were good about it, and with all that signage, including a sign tower on I-84 where you'd be able to see the tower, we just couldn't get any traction for 10 years. I've invested millions, put it that way, and those millions were well in excess of \$5 million. Just the land was \$300-\$400,000, let alone needing five years of approval, a million dollars in taxes. At the start, we were very excited about Restaurant Depot; very excited. I'll just finish up by saying this to you. We've gone to the Planning Board. We've gone to the Town Board. We went to the Building Department. We even went to the ARB, and the ARB said to me, this was the reaction in, I think, forgive me on the pronunciation, Victoria

Desidero was at the meeting and the Board, the ARB said look, we heard Restaurant Depot, we put our hands over our face. When we seen what you're proposing for the Town, those elevations, the Chairman of the Board said we love it and we don't want you to change anything, maybe you could make those columns charcoal-grey instead of black. Well, we've gotten a good response and I've told Restaurant Depot, let's put our best foot forward. Let's not start with the 'C' plan, then the 'B', then the 'A', no negotiation. So I put in front of you a signed package. This is what they say they need. There's no fluff in here. We're not trying to do anything crazy. We've got, we had so many variances back in 2010, we probably are not going to use most of them. I know your concern is whenever you issue variances, people use them all then they ask for more on top. In our case, we've gotten so many variances, we're not going to use half of those variances, but the ones we're asking for now, we need them. OK, so with that, I'll leave it to Jeff. He has... he's got all the information you guys want. If you need me, I'll chime in during the meeting. Go ahead, Jeff.

**Chairman Froessel:** OK. Let me just jump in first. First of all, thank you, Mr. Camarda. I was one of the people who was on the Board 10 years ago. I think Paul and Rod both were as well so we're pretty familiar with the history of this property and the development plans for it. The one question I'd really like to have answered is how much of a variance are you looking for? I know it's a manufactured slope of over 30 feet but nowhere in the application does it say how many feet you're looking to go to. I'm looking at your grading and utilities plan and I can kind of guess that it's 38-39 feet but I'd like somebody to tell me exactly how much of a variance you want.

**Mr. Camarda:** I think Jeff can tell you.

**Mr. Contelmo:** Sure, Mr. Chairman, Jeff Contelmo from Insite Engineering, Surveying & Landscape Architecture. What Ashley has done is brought up on the screen is our current site plan and I'd just like to point out before I get into specifics here that, as Paul pointed out, we did as part of the bigger center, the full center, get relief for manufactured slope as well as signage and I know we're on the manufactured slope portion of this. What we're able to do with the Restaurant Depot pad is actually bring it up in height to get a better balance with cuts and fills and we've eliminated the manufactured slope behind the building that was part of the old, but I'll call it the older plan that got the older approvals. In doing that, we have a pitch point in the front now which is in the vicinity of where our main access drive turns into the parking lot; right there and you'll see we've placed a retaining wall at the base of that hill. Based on the elevations on this plan, the roadway at the point is at a localized high point of about 500 elevation, 510. We have a 6-ft. wall there and a 30-ft. slope so, based on my calculations, there's about 36 foot of slope there and again, it's 30 feet of 2-on-1 slope with 50% gradient slope with a 6-ft. boulder wall there. We did entertain the idea of maybe letting the slope run out; which wasn't helpful at all and also there was concerns about the adjacency of wetland there. We also looked at a tiered wall system, which really didn't achieve much in terms of the grade differential there and created a geotechnical nightmare, I'll call it, and one that would be difficult to access into the future, and, for primarily feasibility and economic conditions, we landed on this after discussing it a bit with both the Planning Board consultants and the environmental consultants. As I said, the proposal right now is for a 30-ft. slope and a 6-ft. wall at the base; totaling 36 feet.

**Chairman Froessel:** I'll just mention that I like what you've done with this design. I'm pleased to see that you moved the building back; closer to I-84 and further away from 6. I think that's something that benefits the Town pretty well and also looking at your existing conditions, topography there. You know, obviously, without doing... you couldn't even... it

would be economically unfeasible to do the type of site work you'd have to do to avoid this manufactured slope, I think.

**Mr. Contelmo:** Yeah, we would agree with that.

**Chairman Froessel:** OK. I'll open it up to the other members of the Board if they have any questions on this. My own view is I think this is the lesser contentious of the two variance applications tonight, but I'll open it up to the Board. I'll start with Vice Chairman Vink.

**Boardmember Vink:** I will say that I think this is a better proposed slope plan than what was proposed back in 2010. I remember all of this better than I should, I think, and I think this plan... I think you did an excellent job on this plan. I think this is, as the Chairman said, moving this farther away from Route 6. I think it benefits everyone, including you, that it's more visible from I-84 at that point. I think that... I think this is well done. I like it.

**Chairman Froessel:** Agree. Rod, any questions, comments for the applicant?

**Boardmember Cassidy:** No, I have no questions but I too remember this application from 10 years ago like it was yesterday.

**Chairman Froessel:** I think it was several months' worth of hearings so, the longer they go on, the more we tend to remember them. Greg, do you have any questions or comments for the applicant on this?

**Boardmember Wunner:** I agree with the earlier comments that it's a good plan. This property is going to be two adjoining parcels, is that correct?

**Mr. Contelmo:** Yeah, actually there'll be three parcels in total. This represents the first phase of the development. The master plan envisions the balance of the retail center to the East, then there was always contemplated an office building to the West. So, what was two parcels before is now going to be three parcels but still integrated as a similar type of plan with similar uses.

**Boardmember Wunner:** So this activity will be limited to just the Restaurant Depot portion for now? Or for all three parcels?

**Mr. Contelmo:** Correct, the application that, no, the application that's before you this evening, and the site plan that's before the Town Board, and the subdivision before the Planning Board all focuses on the Restaurant Depot construction on Lot 2. The balance of the master plan is still in play if there's... the market and the financial portions of the market cooperate. Hopefully, there'll be future users on the other two lots, but right now everything is focused on Lot 2 and Restaurant Depot only.

**Boardmember Wunner:** Fair enough. Thank you for clearing that up.

**Chairman Froessel:** OK. That raises a question. Mr. Contelmo, I know you're before the Planning Board for a subdivision since originally two lots and you're going to three. My questions is is that eastern lot line of Lot 1 changing or is that just staying the same?

**Mr. Contelmo:** It is changing.

**Chairman Froessel:** OK. Is that lot getting smaller or larger?

**Mr. Contelmo:** That lot is getting slightly smaller.

**Chairman Froessel:** OK. All right. Just curious. John, any questions or comments for the applicant on this?

**Boardmember McNeill:** No, and, obviously, I wasn't involved in the original but this is a very comprehensive plan through a corridor that I think is in the next five to 10 years is going to bring in a tremendous amount of business to for our community, and it's in a perfect area, and it's very well-designed. My kudos to Mr. Contelmo and Mr. Camarda.

**Chairman Froessel:** OK. Thank you, John. Steve, any comments or questions for the applicant?

**Boardmember Corozine:** No questions, Tim.

**Chairman Froessel:** OK. Thank you. Andres, any questions or comments for the applicant?

**Boardmember Gil:** No questions. Thank you.

**Chairman Froessel:** OK. I have one more question. Mr. Contelmo, the manufactured slope is essentially the area that's between the northern edge of the parking lot and those two detention basins, correct?

**Mr. Contelmo:** Yeah, that, actually that portion conforms. It's a little bit to the South of that; it's where, it's where you would make the left hand, if you came up the entrance drive, where you make the left turn right into the parking lot, it becomes the critical section. So, it's right where Ashley has the hand right now. Where, from that intersection which is that elevation 510.4 going perpendicular straight downhill to the wall, is where the critical cross-section exists.

**Chairman Froessel:** OK. All right, and you said that the manufactured slope is going to be 36 feet? Is that correct?

**Mr. Contelmo:** Correct; in total. So, it's a 30-ft. slope and a 6-ft. wall; correct, total 36 feet.

**Chairman Froessel:** OK. So it's a 6-foot variance then from the 30 foot?

**Mr. Contelmo:** Correct.

**Chairman Froessel:** OK. Very good. Is there anyone else on this Zoom conference from the public that has any questions or comments regarding this application? (Pause) I'm not seeing any and my chat button is not lighting up, so I'll take that as there are no comments or questions on this. I'll throw this... I'll throw it out there. Does anybody feel like they need to go see this before we vote on it? No, I'm seeing a lot of people shaking their head 'no.' OK. I'll take that as a 'no.' I don't know that it would really tell you that much anyway. All right, so I guess we're all comfortable voting on this tonight. Before we close the Public Hearing for the vote on this particular application, either Mr. Camarda or Mr. Contelmo, do you have any final comments you'd like to make in support of the application?

**Mr. Contelmo:** No sir.

**Chairman Froessel:** OK, do you feel you've been given a fair and adequate opportunity to present your application?

**Mr. Contelmo:** Yes sir.

**Mr. Camarda:** Yes, absolutely.

**Chairman Froessel:** OK. Very good. OK. So then with that, we will close the Public Hearing.

**Boardmember Vink:** Are the I'm sorry, Mr. Chairman, are the mailings in order?

**Ms. Desidero:** Yes, the mailings are all in order.

**Chairman Froessel:** And I'll also note that Victoria confirmed for me earlier today that County Planning came back with an approval on this so we can vote on this tonight. So it appears that everything is in order. So anybody feel a need for much deliberation? I mean, I'm... you know, I've asked the questions I had to ask and they were answered. I think I understand the application. I think it's pretty well put together. Anybody else has any views they want to share in furtherance of deliberation? Nope, it looks like there's no one. OK. So with that, I will entertain any motion that anyone would care to make in support of this application.

**Boardmember Vink:** I will.

The motion to grant the applicant a 6-ft. variance; where 30 feet of manufactured slope is allowed and the applicant proposes 30-ft. slope with a 6-ft. wall was introduced by Vice-Chairman Vink, seconded by Boardmember Cassidy.

The Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance.

No, I do not believe there will be an undesirable change in the neighborhood. This is vacant land on a commercial strip, on a main road with its back on a highway. I do not believe that any construction here will be an undesirable change in the neighborhood.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

No, it really can't given the existing conditions of the site.

3. Whether the requested variance is substantial.

Again, I'm not in this area. It's not when you're building up between Route 6 and I-84 and given the commercial nature of the neighborhood, I do not believe that the requested variance is substantial.

4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.

There is no evidence that would support that.

5. Whether or not the alleged difficulty was self-created.

No, it's really necessitated by the site, existing site conditions and the desired construction.

Roll Call Vote:

A. Gil	In Favor
S. Corozine	In Favor
J. McNeill	In Favor
G. Wunner	In Favor
R. Cassidy	In Favor
P. Vink	In Favor
T. Froessel	In Favor

The motion to grant the variance as stated in the motion passed by a vote of 7 to 0.

**Chairman Froessel:** So that variance is granted by a vote of 7 to 0. We will, Victoria will prepare that paperwork and report that back to the Planning Board.

**Mr. Contelmo:** Thank you very much.

**Chairman Froessel:** You're welcome.

**3. PLI, LLC, (aka Stateline Retail / Restaurant Depot) Sign Program 3411-3751 Danbury Road, Tax Map IDs 68.-2-48.1 & 48.2**

Public Hearing to review an application for permission to vary the terms of section 138-75.1 of the Zoning Code as the same limits the number and size of signs erected in connection with commercial developments to permit:

A. At eastern elevation (i) proposed sign of 12' in height where 6' is permitted; and (ii) proposes three (3) separate signs where one (1) is permitted.

B. At northerly elevation a proposed sign of 12' in height where 6' is permitted.

C. At southerly elevation proposes two (2) signs 12' in height where 6' is permitted for each sign.

D. Applicant proposes two (2) Monument signs where only one (1) is permitted.

Jeff Contelmo, Insite Engineering and Paul Camarda, Owner represented the application.

**Chairman Froessel:** So that brings us to item number three on the agenda, which is the same applicant applying for a Sign Variance on the same property, and I'll just remind you gentlemen you're still under oath for this application as well. Why don't you go ahead and describe the application to us please?

**Mr. Camarda:** Well, I'd like to start by saying that the sign package that came to us... We're not in a position to move these applicants or these stores. They have a sign package. They have their own logo. We have a limited amount of play with them. I'll give you one example: we were able to get a major concession, we thought. On this building, the awning wraps two sides of the building so the awning only comes out the depth of a parking space. So cars are actually going to be undercover directly around two sides of the building. We've seen all the other Restaurant Depots. Their awning is on one side of the building and that one awning comes out 70 or 80 feet and it created an ugly elevation, in our view, and something I think I convinced them that you can still cover the same amount of cars and use that awning to break up that building. Well they have worked with us, I'd say and very substantially on this application, because if you drive around, go to Waterbury new store a year ago, Newburgh two years ago, Port Chester five years ago. If you look at these, none of these look like this. So we've gotten we'd say concessions from them. They're using stone. They're doing some nice things and I convinced them please don't play like we talked about before; the ugly duckling and then slowly we get to something that's acceptable. This is the first submission and I believe it was their best foot forward. The signage here, we have basically a sign facing Route 6. We have one side that's on the northern elevation. We have one major sign facing the eastern elevation and we do have two signs facing I-84. Those are our four signs; our four main signs. Yes, they're bigger than what you're accustomed to granting. I believe the variance; your criteria is six or eight feet. I believe these signs are 12 feet but understand.... Route 6 you are quite a distance away from Route 6. So you want people to see the sign from way down on Route 6 and on I-84, we've got a pretty attractive real elevation and we put two signs on I-84, so giving cars a chance to see the sign. So, look, from my perspective but it's only my perspective and I'm the one who's pitching this to you guys. I don't know, you know, if you guys feel it's too much. I don't know where we could give back. We've got some writing over two awnings that says 'where restaurants shop' or something but I'd like to hear what the Board has to say. To Jeff, if you have something to add, please step in now.

**Mr. Contelmo:** Well, what I would add is just walking through the different elevations and signage and where we're seeking relief. So, Ashley, I think the sign package there on the bottom would be the best one. Yeah, that, if you could open that. Let me start with that site plan right there. You can see those red dots. They represent our signs. So out front where our driveway meets Route 6, we have a pair of monument signs which I'll get into. One of those monument signs would be specific to Restaurant Depot. The second would be reserved for future users of the balance of the center. Once you get up to the building, you'll see the A1 and B's, and A2 signs which are actually on three of the four faces of the building. The western face of the building is the loading dock and you really don't get a view of that from either Route 6 and Route 84. So it's really the perfect place from a planning standpoint to have the loading dock. Obviously, we don't need any signage there. As Paul indicated, the frontage with Route 6 is where we're showing two signs on the building and we're separated from Route 6 by quite a distance; or a couple few hundred feet; back from Route 6. We're actually even tucked in quite a little bit, so that's where relief is sought. That's the northerly... the northerly face of the building where we're permitted to have two signs, but the one, the main Restaurant Depot sign

is proposed at 12 ft. where 6 ft. is permitted; so that's the variance sought on that north face. Yeah, Ashley is going, I think if you continue... Yeah, there you go. So, if you scroll up a little more, you'll see the building elevation there, OK. So that's our eastern elevation. So that's the one where the main parking lot entrance and exit are and that elevation includes the main Restaurant Depot sign, which is 12 ft. Again, that would need relief from 6 ft.. The secondary Restaurant Depot sign meets the 6. Ft. requirement, and 'where restaurants shop'; although it's conforming in size, we need relief on this side of building because based on the 171 feet we're only allowed one sign where we have three. So in that particular elevation, we're asking for relief for the second and third sign as well as the sign, the size of the main Restaurant Depot sign from 6 ft. to 12 ft. If you continue to scroll down, Ashley, the next elevation will come up. OK, so this is, this is the, this is the north face which faces Route 6. Again, we're permitted to have two signs; 'where the restaurants shop' is a permitted sign; the main Restaurant Depot sign is 12 ft. instead of 6 ft. and that's where we're seeking the variance. Again, we're very far back from Route 6 in that particular instance, which we believe justifies the sizing there. So, if we scroll down again to the next elevation, Ashley please. This is the rear of the building. Again it's broken into two pieces. As you can see, there's two architectural elements that Paul was able to beat out of Restaurant Depot. On the rear of the building, they took the opportunity to again place some signage in there to catch, a season glimpse of those will be caught from Route I-84 passersby. Then if you scroll down a bit more, Ashley, you'll come to our monument signs. We have two monument signs with stone bases. One as I indicated is for Restaurant Depot; that's the Restaurant Depot monument sign and again, it's conforming in size and height. It's just that we need, or we would like I should say, two of the monument signs in lieu of the one that's permitted. The second monument sign is the one that's reserved for the future tenants; that one. So that's the quick and dirty on the sign package.

**Chairman Froessel:** OK. Thanks very much.

**Mr. Camarda:** Let me just add one point if I may.

**Chairman Froessel:** Sure.

**Mr. Camarda:** We looked at two monument signs. We could've went with one but it becomes more of a retail taller sign, and I thought maybe more of a corporate look would be to give Restaurant Depot their own smaller monument sign; just for them because they are the anchor. Then we'll leave the other monument sign on the other side of our entrance road; giving us some flexibility just in case we have one, two or three tenants. We just thought it was a nicer look than one much taller sign with Restaurant Depot on top of the sign. So that's how we got two monuments, but I'm interested to see what the Board thinks on the sign, on the sign package.

**Chairman Froessel:** OK. Thanks very much. First of all, regarding your stated inflexibility based upon what Restaurant Depot requires, we are very familiar with that. You may not be aware, but a few years ago, IHOP was going to come to the Town of Southeast. They told us that if they didn't get their sign the way they wanted it; they weren't coming; sort of a veiled threat. They didn't get their sign. They didn't come and I've eaten a lot of pancakes since then so, so no huge loss from my perspective. In any event, I went ahead and I reviewed all of the documents that were submitted to the Planning Board on your application, and I noted that in the Statement of Use dated December 23, 2019, it states that 'Restaurant Depot is a pure wholesale distributor of approximately 6,000 different items. Restaurant Depot is not open to the public but instead a customer is required to be a business or a not-for-profit entity.' That suggests to me that Restaurant Depot is sort of a destination; it's not a place that people, they see the sign, they stop by. Its people who are in business who are going there for a reason and

so that raises the question in my mind; why do you need so many signs? You need one sign on the building so that the person who goes there can say 'oh, yeah, I'm in the right place.'

**Mr. Camarda:** I would say to you, yes, it is a wholesaler, no question, but that's very broad. That's the local Fire Department, the local Police Department. That's any non-profit and so many people shop there. It's a lot broader than just that and having 95,000 cars a day on I-95, its, you've got to advertise your name out to that. There's 1,000 restaurant owners that may pass by; or restaurant managers on I-84. So that's where that comes in, and you've got to have a sign facing Route 6; although there's only 7 or 8,000 cars a day on Route 6. It's the most over built, underutilized road in Putnam County. You've probably heard me say that before, but it is. My office is on Route 6 in Carmel. There's 16,000 cars a day in front of my office and that road is one lane in each direction. This section happens to be two, so yes there's validity to your argument. They're a wholesaler, but you've got to still put your name out there. Well, you tell me which signs you think are unnecessary? Is it the Route 84 sign? Is it the Route 6 sign or is it the sign as people walk into the main entrance on the East side of the building? You know... I'm more than happy. They're not on this call. They're relying on me and I'm more than happy to discuss what your ideas are for them. I want the Board to tell us what they think.

**Chairman Froessel:** OK, Rod, I saw you had your hand up. I'll get to you in one second. I have a question for Will. Back in 2010, we granted a whole slew of sign variances for this property. With the subdivision, what happens to those variances? (Pause.) Will, you're muted.

**Mr. Stephens:** I'm not muted now. I believe the sign variances remain with the properties that they were attached to post- subdivision. I don't have a specific recollection of what they are, but if you're going to re-examine or take a fresh look at this particular application, you certainly could amend the prior variances.

**Chairman Froessel:** OK. Because I mean we're looking at something now that's completely different from what we saw 10 years ago so...

**Mr. Stephens:** And what was there 10 years ago was purely speculative.

**Chairman Froessel:** Yes.

**Mr. Stephens:** This is a little less speculative, I hope, and I'm sure Mr. Camarda hopes but the... I think it's a good point that it should, whatever the Board does, it should reflect that it either supersedes or cancels out the prior variances.

**Chairman Froessel:** OK. Very good. Thank you. I'll go around to each of the Board members one by one and see which questions they have. Rod, since you had your hand up before, I'll start with you.

**Boardmember Cassidy:** My question goes along with the question you just asked Will. 10 years ago, they requested a cornucopia of sign variances; all based on hypothetical. All hypothetically, and they've got, as I said, innumerable variances for signs; all hypothetical buildings. We were told then they needed them. That was 10 years ago. Now we have something and they need another, more sign variances and yes, unless and until we can confirm that, all those prior sign variances; all of which I voted against save one, are wiped off the board. I don't even know how we can consider this application because I don't know what sign variances, you know... All I can remember is they were, they were substantial and as long as they're still floating out there, I don't know how we could consider this application at all.

**Chairman Froessel:** Yeah, because previously, I forget if it was 27 signs or 27 variances, but either way that was, it was a big number, and I was with you. I voted against I think almost all of them, if not all of them. You know, it becomes a little bit of concern that the, that there's a compilation effect here where you could get inundated with signs, but I think, I think Will just answered the question; whereby we can by our own means in terms of whatever motion is

made, limit the effect of that or negate the effect of that, I think. It seems to me. Did you have anything else, Rod?

**Mr. Camarda:** Let me ask the Board a question if I may.

**Chairman Froessel:** Sure.

**Mr. Camarda:** I sense what you're saying is that Mr. Camarda came here with a hypothetical; obviously made some convincing arguments to some of the members of the Boards and to some others, those arguments were not that convincing, and was granted a proverbial pile of variances. I believe the number was 27 building variances. I believe there were monument variances and some slope variances; to about 35 variances. My question to you is that did any harm come to the Town from those variances? In the last 10 years, was the Town hurt by those variances? Was anything built there that looked terrible; that really was an abomination? I know your job is to try maybe now to right the ship because maybe you had your own issues and you weren't happy with it; which it's your opinion, that's why you're on the Board. I respect that, but there really is no ship to right here. Right now I'm in a rowboat and I'm rowing this thing and hopefully, maybe, Restaurant Depot will come and maybe they won't; and maybe I'll be out on Route 6 with a little red tent with a sign that says 'variances for sale' because all I have is those variances. Let's be clear here. There's nothing. I went 10 years without any interest in this project. Now I do recognize, well, if we give him six more, seven more tonight, holy sh\*t, we could be up to 40-some odd variances. That's not the idea here. I'm going to be coming back to your Board again with the next person; maybe it's a car dealership and they'll say to me we need to have this type of deal, or that type of deal. We're always going to need it. I'm not going to need all those variances but tonight, without knowing my future, I'm just not going to hand you back all the variances; unless you want to do something that... I'm always going to want to have some signage on I-84. The road's got 95,000 cars a day but the fact that you gave me those variances did not hurt the Town of Southeast in any way. We didn't come back to you and say, 'here's a building with 17 signs on it because I got all these variances and I can stick them all over.' We're not looking to do that. If you want to go through the sign package tonight, there's only 10-12 of them; and you make good arguments to take some away, I'm an understanding person. I'll look at it. I'm not looking to plaster your Town with signs. I'm not looking to pay \$90,000 bucks a year in taxes for vacant land. That's more than most people make in a year. So I'm here to discuss these issues with the whole Board and see what you think.

**Chairman Froessel:** Mr. Camarda, I hear you but you have to understand our concern arises from the fact that, under the law, those prior variances run with the land so we just want to know in the end if we grant you variances now, where does that leave us overall?

**Mr. Camarda:** You end up with a Restaurant Depot, if you like it. That would be good. If you don't think it's a good thing for the Town, you may be disappointed, then I'll probably come back to you in less than 10 years, and say 'guess what, someone else wants to come to Brewster.' It took me 10 years to get this guy. I hope the next one doesn't take another 10 years. I'll come back. Honestly, I don't see me using all those variances; those signs and I'll tell you why; not because I'm a nice guy, because small stores are getting murdered today. These small stores in these shopping centers are getting murdered. You go to Walmart, there's a 1000 people in the store. Go get your shoes repaired; the shoemaker can't even open up. It's a joke. By the time we get done with this pandemic, we'll have four frigging retailers in the country and every Mom and Pop and everything will be closed. I mean, let's look at the reality here. This shopping center's not going to have 16 stores like it was originally planned to have; an anchor, all the little stores and everybody needs a sign. It's not, it's not going to happen. You know, we looked at... we looked at Lowe's, we looked at the mall, we looked at a

supermarket with the typical thing. It's just not there. It just isn't there, and you guys can see that I'm a passionate guy, and maybe some of you guys think 'he's a pushy a\*\*hole' but that's okay. I understand. We were trying for 10 years to get someone. It's been an ugly time. The rest of the world made progress, unfortunately, the Hudson Valley, it just never came back, and it's going to be even uglier.

**Chairman Froessel:** We understand you're dealing with market realities. That... that is a fact of life.

**Mr. Camarda:** I'm dealing with life like you are.

**Chairman Froessel:** We have to deal with, you know, the legal implications of that and, you know, it could, you know, the possibility and it's a remote possibility in five years Restaurant Depot slaps up 10 more signs on the building and says I'm allowed to do it because of the variances that were granted in 2010 and after that.

**Mr. Camarda:** We can limit, I tell you what. We can limit what that building does. What we agree on tonight, they can't put on any more signs. I agree with you.

**Chairman Froessel:** All right, that's what... that's what we're going to be looking to do.

**Mr. Camarda:** OK because d\*mn, if you give them what they want, they come back and say 'ha, Camarda's got all these variances in his back pocket. We want to put 10 more signs.' Bull, let's limit them to just a picture that your Board will... is comfortable with. That's all I want to do. There's no more adding to this building and tell me what you think is appropriate for Restaurant Depot. I'm all ears. OK?

**Mr. Contelmo:** Mr. Chairman, Mr. Chairman, if I could just make a note on the previous variances; a couple things. Number one, we didn't make application and try to connect our current sign package to the old variance package, primarily, because there would be too much brain damage to that and we let Michael Levine just look at it from square one. But just to be clear, and I want Paul to opine on this. We... we had three different types of sign variances originally. One was a series of building mounted signs which had a big number, call it 27 just to have a number. There was also monument signs at the entrance; which were far in excess of what we're asking for this evening. Then there was the tower sign which, although it's not part of the Restaurant Depot proposal, it is something that I believe Paul wants to retain as an option to build when the other portion of the center is built. So if you break those three sign variances from the past down, the only one that's really still in play and relevant from Paul's position, I believe, is the tower sign. The monument signs we're actually replacing with this application and coming in with a smaller series of signs doing that. Then the building mounted signs, as Paul said, to limit what Restaurant Depot can do based on this application; this only and not have benefit of the other building mounted signage is, would be more than reasonable. Paul, do you agree with that?

**Mr. Camarda:** Yes, absolutely. I, I, you are correct. Our monument signs are actually smaller and we're not looking for anything more than you looking at Restaurant Depot; looking at our monuments. Are they reasonable? We're not going to come back and add anything and we thought the monuments we picked tonight were good enough for the future. You notice, there's only room for three retailers plus Restaurant Depot. That should tell you something that I don't see many more. I really don't. I mean, I, we've got 17 vacancies.

**Chairman Froessel:** I actually, the monument signs are the least of my problems and I'll tell you why. I'm glad you split Restaurant Depot into their own sign because I'd be, I'd be willing to wager good odds that that second monument sign never gets built.

**Mr. Camarda:** Well, thank you for the mazel; mazel tov we'll say, right. Good luck. All right, you may be right. I don't particularly like to hear that news but that may be reality.

**Chairman Froessel:** I think... I think it's going to be a reality in the post-Coronavirus world.

**Mr. Camarda:** You know, we'll live. We'll take it one, one year at a time.

**Chairman Froessel:** That's all you can do. All right. I'm going to continue going around to the various Board members. Paul, we skipped you before so do you have any questions or comments?

**Boardmember Vink:** I don't. I just, as I understand it, then the monument... the two monument signs are replacing the tower sign that was previously approved?

**Mr. Contelmo:** No, no, that's, no. There were actually multiple monument signs out on Route 6 and then the tower sign on Route I-84. The tower sign we're preserving for the future; that's not on the Restaurant Depot lot. It is not part of tonight's application, but it is a sign that we would like to preserve going into the future, but the monument signs out front at Route 6 for the Restaurant Depot and the balance of the future center would replace the monument signage that was previously granted variances.

**Boardmember Vink:** OK. I don't... I honestly don't have a problem with any of the signage on this building or the monuments. So I think there is a legitimate question about how this impacts, you know, are these in addition to the variances that we previously gave? Are they replacing some of those variances? I'm not sure about the... I'm not sure I understand some of the technicals on how this works and gets credited against what's already been approved for the property, but the signs themselves, I don't have a problem with any of them.

**Chairman Froessel:** OK. We can talk through the mechanics when we deliberate. Greg, do you have any questions or comments for the applicant?

**Boardmember Wunner:** Sure. I understand the need for exposure along I-84. I understand some guidance signs coming in from Route 6. Ten signs on this building seem like a lot. If we could reduce that a little bit, that would probably be good, and as far as previous variances that were granted, why wouldn't we be able to, if we're talking about this one particular parcel, why couldn't we wipe out or, you know, start fresh? Wipe those out and approve what he's asking for today. I'm assuming we're going to base it on, you know, sign A, B, C, and D. We're going to go down through all of them separately, I'm suspecting, but maybe we're not. It just seems to have that, I think everybody's hesitation is that there, there are going to be a fear that they can add more signs in addition to the one's we approve today.

**Chairman Froessel:** Yeah, I mean I think there are mechanics by which we can deal with that, in terms of the way a motion is phrased.

**Boardmember Wunner:** OK. That's... that's my concern; if we could reduce the amount of signage slightly. I mean I'm looking at the big... You know, he gave us these big sheets and they look, they look attractive. Like you said earlier, it's a destination and once you get there you don't need to look at, you know, multiple signs on the front of the building. But to bring you in from Route 6 and to bring you in from I-84, I understand those and the size and the height. They make a lot of sense. Maybe we can just reduce a little bit, you know; similar to some previous applications, just to reduce the glare when you walk in, you know, when you come driving in. You know, otherwise, I'm OK with most of everything that's going on here.

**Chairman Froessel:** OK. Thanks, Greg. I agree with you in large part.

**Mr. Camarda:** Mr. Chairman, Mr. Chairman, let me just say. I... I think you could put, I would suggest, I'm not about to tell anybody anything, let's face it here. What we... we should say whatever signs you grant for Restaurant Depot, there are no more signs and any variances I've got for the rest of the property is not any longer applicable to anything on Restaurant Depot. I don't want you to think for a second, we're coming back in two years and we'll stick two more. I don't. No.

**Chairman Froessel:** I'll go you one better. I've heard you want to preserve that tower sign that was approved back in 2010. You've got that approved. You've got the right to build that

and we could possibly condition a variance on, on voiding out the prior variances for signs on the building and monument signs to cover what you're doing today and still leave you the ability to do that, that tower sometime in the future. I don't think you necessarily... I don't think it's fair for us to make you bargain that away in the context of this application.

**Mr. Camarda:** All right. Let me think about that, but I do want to make it clear I will look at the signs. If you guys come up with a... that you want to reduce something, I'm going to make a decision on Restaurant Depot's behalf tonight. So I'm not here 'saying it's this way or pancake house, we're out of here.' I'm not saying that at all.

**Chairman Froessel:** All right.

**Mr. Camarda:** I will restrict Restaurant Depot or anybody to never applying any of the variances over so they can add a sign or two, or three, or four, God forbid. OK, so let me hear the rest of what the Board has to say.

**Chairman Froessel:** OK. Yeah, before we get down to the horse trading, I think I want to hear what all the Board members have to say.

**Mr. Camarda:** All right.

**Chairman Froessel:** John, I think you're up next.

**Boardmember McNeill:** OK. Thank God I wasn't on the Board 10 years ago. Holy cow! Honestly, what's presented before us this evening, I know nothing about this monument, this huge sign that you guys are talking about. What I see that Restaurant Depot is presenting and that Mr. Camarda is presenting, the two monument signs to me are, I mean, when you think of the scale of this application, you know, overall, the other signs are basically branding signs. I know Restaurant Depot very well. My wife owns a restaurant, so she uses them all the time. These are basically branding signs that are going to be on a pretty large-scale building. What I see is the two monument signs that are pretty much well, you know, other than the height is good, I think the width might be a little off, but I think in scale it definitely makes sense. Again, I don't know what you guys are talking about, this tower sign, so I don't even want to address that issue. You know, you guys can argue about that all you want, but as proposed what I have in front of me tonight that I'm looking at, I don't see an issue. Most of this is branding signs. The two monument signs are the ones that face Route 6, which I would be concerned with, and they seem fair and reasonable to me. That's it.

**Chairman Froessel:** OK. Thank you, John. Steve, any comments?

**Boardmember Corozine:** Yeah, I'm fine with the sign presentation that we went through. I think just relative to... I know we need to discuss it more, just the mechanics of having some form of amendment that supersedes what was the variance in the past relative to signs. Just want to make sure we land in a place where we have a finite number of signs that's defined in the motion.

**Chairman Froessel:** I agree, that's a good point. Andres, any questions or comments for the applicant?

**Boardmember Gil:** Yes. So, I... the question I have is with respect to the sign, the proposed signs. I just need clarification, some clarification as to whether or not those, are those proposed by Restaurant Depot? I mean, is that what kind of is triggering Restaurant Depot or contingency for Restaurant Depot to be at the property?

**Mr. Camarda:** This sign package was put together by Restaurant Depot's architects. This is not Paul Camarda saying, 'maybe we'll put one here, we'll put on there.' No, this is them. They've never done the wraparound awning on the building. You can look them up: Google them. So this is kind of a new concept where they tried to dress it up with a couple of signs on it. This is a new thing. They usually have this pretty ugly 60-ft. awning that becomes a dark place underneath it. The building to me starts out as a box and when you stick a 60-ft. awning

on the front of it with all columns supporting it, it just looked hideous, OK. I mean this is a better look.

**Boardmember Gil:** Yes. So, you know, I'd have to, I agree with you actually. I mean, like if you're looking at the aesthetics of the building itself, and, you know, looking at Restaurant Depot in Westchester, it's, you know, it's, it's, you know, it's plain. You know, so it's like it actually kind of makes it, you know, makes it more aesthetically appealing and it may have some second and third order effects, positive impacts for the Town. But I think that, you know, I have to agree with John that these are branding things. You know, it's kind of like you're giving that logo out there, and it is part of your business branding yourself and having, having logos and doing that and making sure that people have that connection. So looking at the... at what's been proposed this evening, it's, I think, given the size and scope of the project and the size of the building, there's nothing about these signs that show that they're out of proportion with the actual building itself. You know and that they're not, it's not that gaudy type of thing or something that hey, look, this is that 17 signs on one column or its excessive in something, because looking at the total square footage of the building compared to the size of the signs, everything looks, it looks proportional to the scope of the project and, if anything, it adds a positive aesthetic appeal to the project. It appears in the color prints that you provided as part of the submission. I also agree with Steve, though, that we need to eliminate any ambiguity that exists with respect to this scope of the project. You know, looking at all three phases that you were talking about, this being phase one, without limiting or without, while preserving the variances that you have in place. So, for the remainder of those other, other projects, I think this is kind of, this is a two-fold type of analysis as to one, whether or not, you know, like this variance is granted with respect to this specific phase, and that any ambiguity is, is eliminated so we have clear... a clear definition of, that there, you know, that no future variances will be requested or granted with respect to this phase of the operation. That's all I have.

**Mr. Camarda:** Thank you. Thank you.

**Chairman Froessel:** Thanks, Andres. John, you have your hand up?

**Boardmember McNeill:** I just want to comment also on what Andres has said because, obviously, he has been to a Restaurant Depot. This is a significant upgrade to what their buildings in general look like. If this is a true rendition, Mr. Camarda, of what Restaurant Depot is actually going to do there... Restaurant Depot's, I mean, they're generally a block building with a huge blue awning out that ends up getting faded, you know, kind of looks pretty nasty. I've been to the one in Port Chester a thousand times, and this, if they're really going to do this, that's a significant upgrade. Again, I'll just state again that they're just looking at putting their branding, you know the circular Restaurant Depot thing on there, if that's what I'm led to believe from these renditions. Thank you.

**Mr. Camarda:** And let me just add again, I don't want to keep going, but let me tell you what Restaurant Depot said to me: 'Paul, I know you're real happy but here's what we have to think about. After we do this and build this store, you think anybody's going to come to us from another Town and say give us the Newburgh, or give us Port Chester? They're going to say one thing; give us Brewster. Here's a picture of Brewster, we want the same thing.' So Restaurant Depot knew when they agreed to this, this is going to have a ripple effect because we're going to have a new standard to live by and they swallowed hard on this. So I'll let them know your positive comments because they got the same thing from the ARB, but this is going to ripple effect as they build new stores, continue here. Thank you very much for your comments.

**Chairman Froessel:** OK. Thank you. That raises a good question. Victoria, has this been to the ARB yet? I don't think it's time for them yet, right?

**Ms. Desidero:** So the way that this worked in terms of timing is that the applicant was able to go to the ARB with their Site Plan referral from the Planning Board and, although the ARB would not consider the sign package because it had not yet been reviewed by the ZBA. They don't ever look at signs until the variances are determined. They were exposed to it but they really only provided mostly comments on the Site Plan.

**Chairman Froessel:** OK. Very good.

**Ms. Desidero:** And you know, of course, the way the building looks and they did love the building.

**Chairman Froessel:** OK and I don't disagree on the building. Is there anyone in, anyone on this Zoom conference that, from the public that has any comments or questions on this application? (Pause)

**Ms. Desidero:** We have somebody new who just joined by phone so I'm not sure.

**Chairman Froessel:** I see that.

**Town Planner Ley:** I'm going to unmute them so they can ask a question if they have one.

**Chairman Froessel:** OK. If there are any questions or comments out there, please speak up. (Pause) I guess I'll take that as a 'no.'

**Mr. Lord:** No questions.

**Chairman Froessel:** OK. Very good. Thank you. OK. So I guess now we get down to the nitty-gritty and start talking about each of these signs. My, my biggest objection, and it's not my only objection, but it's my biggest one, is having the two signs on the south side of the building facing I-84. I'd have less of a problem granting a variance for the height of one sign than for two. I really don't know why two signs are needed out facing I-84. I think one is sufficient, particularly when you consider that this is a destination business and not a place you just drop by. It's not open to the general public. Mr. Camarda, what's your view on that?

**Mr. Camarda:** It's reasonable and I would say can we just look at all four? We don't have to look at the west side. There is no, there aren't any signs... excuse my English. What is your feeling about the... about the east side of the building facing Connecticut? Then we could do the north side. Right, we're doing the south. The south is facing I-84 and you'd like one sign. What's your thoughts about the east side of the building facing Connecticut; that's where your main entrance is going to be?

**Chairman Froessel:** Is the east side the main entrance or is the north side the main entrance because you've got big signs and entrances on both sides there?

**Mr. Camarda:** The entrance and exits are on the east side of the building.

**Chairman Froessel:** So what's the, that big sign... the big... on the north exterior elevation? That large 12-ft. sign. What... is that over an entrance to the building?

**Mr. Camarda:** No, it's not over an entrance. That's the only big sign we have facing Route 6.

**Chairman Froessel:** OK I honestly don't have a real problem with the sign on the north side of the building because that's the first thing someone is going to see when they come up that driveway onto that property. It kind of lets them know they're in the right place.

**Mr. Camarda:** I agree.

**Chairman Froessel:** I didn't really have a problem with that one. I don't know that the 'Where Restaurants Shop' is necessary.

**Mr. Camarda:** You know, another company has 'Where Chefs Shop.' They have 'Where Restaurants Shop.' I mean, you know, it's just part of their branding and I can't tell them to take that off. It's just a simple slogan 'Where Restaurants Shop.' It's probably on every one of their stores. I don't think it's an ugly thing to have it in two places on the building where it just says 'Where Restaurants Shop' but it's... You know, I'm only talking about my side of this. You guys are...

**Boardmember McNeill:** That's their tagline too.

**Mr. Camarda:** It is. Everybody has one.

**Chairman Froessel:** I don't think we're slaves to corporate America's branding. You know, we've got our own Zoning Codes so.... On the east side...

**Mr. Camarda:** Yes, that's, those are your entrance and exit doors on the east side of the building.

**Chairman Froessel:** Yeah, I wouldn't mind seeing the size of that Restaurant Depot sign over the entrance doors reduced a little bit from the 12 ft. You're only going to see that once you're already parked and you're walking up to the building to enter and I don't think it needs to be 12 ft. high at that point. On the north side, I got you. The 12 ft. I don't have much of a problem with because again that's the first thing somebody's going to see when they come up that driveway. But on the east side over the doors, you've already parked your car. You know where you are by now.

**Mr. Camarda:** Mr. Chairman, I think the point on that sign serves two purposes. It allows cars driving, travelling westbound into NY to see the sign at a little bit of a distance as you come up the road because when you put a sign on the back of the building, you only get it as you're passing it quickly. So that's why that sign is there and that's why it's a 12-footer, because it gives them some distance to be seen from cars going west. It's a dual-purpose sign.

**Chairman Froessel:** OK, but again, you know, I don't want to sound like a broken record but because the store is a destination and not a sort of a place you go to on a whim, I'm not sure that that's all that necessary. I will open it up to the other Board members to see, you know, what are your thoughts on these signs? It shouldn't just be my decision.

**Boardmember Gil:** Tim, this is Andres. I think... I think, you know, that that 12-ft. sign like on the east side, it does serve a dual purpose. I would be OK with that 12-ft. sign on the east side. On the south side exterior, maybe that a reasonable accommodation is that there's only one sign on the south side elevation because they already have an impact of having the sign on the east side elevation when they're travelling from Connecticut into New York and travelling westbound on I-84. That's my thought process. I definitely don't think the 12-ft. sign is over burdensome but I think that, you know, because it is serving that dual purpose for that name recognition. Those are my thoughts.

**Chairman Froessel:** OK.

**Boardmember Vink:** Andres makes... Andres' argument makes sense to me. If they take one of the one's off the north side, off the south side on the highway side... This one is, it's size is kind of compensating for taking one of those signs down from the south side. I actually think it makes sense.

**Chairman Froessel:** OK. Anyone else with a view? (Pause.) Anyone has, anyone have a view on the signs on the north side? (Pause.)

**Boardmember Wunner:** No.

**Chairman Froessel:** No. I'm not hearing anything. OK.

**Boardmember Wunner:** The one, the one on the east side. You have that big 12-footer you can see from the highway and as you're entering the parking lot. So what's that smaller one? What does that... what does that do?

**Mr. Camarda:** The little sign there, they just, to dress up that extension of the blue canopy. It's a very small sign. Jeff, what's the size of that little sign? It's probably...

**Mr. Contelmo:** I believe that's a six-footer.

**Mr. Camarda:** No, the little one on the front of the fascia of the awning. Is that a six-footer?

**Chairman Froessel:** It's four feet according to the drawing.

**Mr. Contelmo:** Oh yeah. Sorry, four feet. Yes.

**Boardmember Wunner:** If you were to, to get to get rid of that one, that might give you a little bit of less signage coming from that. Because again as you pull up, you're already seeing these two big giant ones. You're seeing the restaurant, you know 'Where Restaurants Shop', you got that twice. You got the big one twice and you got the little one in the middle. Just seems like you could probably do without it but it would just give you a little less signage exposure once you're already in the parking lot at that point.

**Mr. Camarda:** Let me say something to the Board. I hear you. I agree with you on the south side of the building. We could, we would... Let me be clear in speaking. We will be agreeable to removing one of the big signs off the south elevation and only having one facing... Probably take off the southwestern, the sign on the southwest corner of the building. That would be the one we would take.

**Chairman Froessel:** OK. How do you feel about that 4-ft. sign on the east side? I mean, I kind of agree with Greg. It's kind of superfluous. I mean you're allowed one side on that side of the building and that's sort of your third sign. And I don't think anybody's going to look back after they go out the exit and say 'gee, where did I just shop.'

**Mr. Camarda:** I don't want to... I don't want to argue over that. It would be better if we put it facing Route 6 on the other canopy there. As people pull up, coming into the parking lot, we put it on that white canopy all the way to the right of the northern elevation. Maybe it's practical.

**Chairman Froessel:** It creates the same problem. Then you've got, then you've got three signs on that elevation; where you're only allowed one.

**Boardmember Wunner:** This reminds me of the Verizon in the A&P shopping center when we realized that people got to see it from the road and get into the building, but once they get there, they don't have to see a bunch of little signs as well. They already know they're there.

**Chairman Froessel:** Yeah. I mean you've got the monument sign. You know where you're going as soon as you turn in off of Route 6, and you come up, and you know. You know, I understand you get there and you want to make sure you've got the right building. OK, that's fine. That small sign to be on the east side is superfluous.

**Mr. Camarda:** Yeah, you can. Why don't we...

**Boardmember Gil:** I have a question on that. Why don't you have a sign... This is Andres here. Why don't you have a sign on the, on the west side?

**Mr. Camarda:** Because the visual--

**Mr. Contelmo:** Yeah, nobody really sees the west side and that's the loading dock side of the building. So customers don't come there and you really can't see in there based on the topographic and vegetation, etc., from either Route 6 or I-84.

**Boardmember Gil:** You wouldn't see it from the highway? OK.

**Mr. Contelmo:** You can't see it from I-84 or Route 6.

**Boardmember Corozine:** I had a question about the 12-foot sign on the east side. Just trying to determine what the angle would be from the highway that makes that visible, and would the new building, the proposed new building to the right of that, would that block the angle if that were to be built in the future?

**Mr. Contelmo:** I'm going to tell you based on my familiarity with this site plan that that sign will give exposure to I-84 and that the building, if you're way back on I-84, very limited blocking,...but no, that side will be visible from I-84.

**Boardmember Corozine:** OK. Even with the building there?

**Mr. Contelmo:** Even with the building there, right.

**Mr. Camarda:** This is a parking lot. This is a pretty substantial parking lot on the east side of the building. All those buildings are not going to be close.

**Chairman Froessel:** OK. Any of the Board members have any comments on what we've been discussing? Signs that should stay or go or what have you? Ones that anyone feels strongly about? OK. I'll ask a question. Does everyone feel comfortable voting on this tonight?

**Boardmember Gil:** Yes.

**Boardmember Cassidy:** My question, Mr. Chairman, is where do we stand with the prior signs?

**Chairman Froessel:** My suggestion is going to be that whatever motion is made to grant the variance that it be conditioned upon the applicant foregoing the prior variances that were granted for signs on buildings and monument signs, but not the tower sign.

**Mr. Camarda:** I kind of... I've said to you... If you're fearing that I'm going to take the results tonight and then come back and try to add more signs to this building, I have said to you clearly, you can put a restriction, once we agree on the sign package, that there'll be no more signs added to the building. Regardless of if I've got 20 variances across on the other property; whatever I have. It has no implication to this building. I don't want you to think what you're looking at I can change in a year and you guys will be powerless. That is not the case. What we agree to tonight is your picture; that's it and if history is anything, Restaurant Depot will be here doing business long after they're planting flowers above me.

**Boardmember Vink:** Mr. Camarda, I think that the problem with what you are saying is that we're then granting, whatever we're giving you, if you get anything tonight, a variance tonight, it's then simply in addition to. So you can take your 27 other sign variances and use them all on your other buildings, and, you know, I know that that may make an ugly building but I'm just saying that's... that that's what you're suggesting and we're not faced with the same situation. We don't have the same proposal in front of us. We now have three lots in front of us instead of a single lot and I think that's what's causing some of the confusion as far as how to proceed with this. Is that we don't have a blank slate that we're working with anymore and you are saying to us very clearly that you don't want us to have a blank slate. That you want this to be separate from those 27 prior variances, and I think that's causing an issue with the Board.

**Mr. Camarda:** I hear you. Maybe we can re-do some of those variances? I'm not looking to be, not looking to be a pig and hoard variances so I can tell them to transfer rights to somebody. I'm not looking to do that. But, at the same time, I just don't want to not have any because your sign ordinances, I must tell you when I got all those variances, and I know you've amended some, it was Draconian 10 years ago when you, then the Town went and changed some of those sign ordinances, but there was a lot. It was an embarrassing amount and I totally understand and I know who voted 'no' for it and I understood your vote when you voted 'no.' The number was stupid, I hate to say it, but it was. It was a stupid number and I remember one of the Board members said, 'not another variance!' So, but we can reduce the numbers of variances on there, but let's see if you like what we're doing. If I give up one of the big signs on the I-84 side, which is the south side of the elevation, and we take off the 4-ft. sign, is the Board now happy with the sign package for Restaurant Depot for the ones that we're a little shaky on it? I appreciate the ones that said, 'we like it', but for the other Board members I have a concern. So where are we at?

**Boardmember Cassidy:** Unless and until there's a resolution to the other variances, I don't feel comfortable giving you more variances tonight.

**Mr. Camarda:** I understand.

**Chairman Froessel:** And further to what Mr. Camarda was saying, I just want to make sure there's no misunderstanding because, Mr. Camarda, you're making it sound as though you're willing to say, 'I'll never ask for another sign variance on this property again.' I don't know if we even can constrain you in that respect and I wouldn't want to put that on you because,

maybe in 10 years, there's a legitimate reason why somebody wants to come in and get another variance. I just want to make sure that the ones we gave in 2010 that were for a completely different development that's not going to be built are out of play.

**Boardmember Cassidy:** Mr. Chairman, 10 years from now, who knows who will even own the property?

**Chairman Froessel:** That's fair, too.

**Mr. Camarda:** Right. I think... I think it's going to be... Well, let's really, you know, sell. I think it's going to be a whole different thing in 20 years. Who knows what it'll be? Who knows?

**Chairman Froessel:** OK.

**Mr. Camarda:** I'm comfortable with the sign package as we have discussed.

**Chairman Froessel:** Andres, you had your hand up?

**Boardmember Gil:** Yeah, you know what, I, Tim, I don't think we can vote tonight then because it seems like we don't have... we don't have the right information to eliminate the ambiguity. If we're really looking at identifying which variances are in existence now then which variances will continue to apply to this portion of the project, we don't have that information to be making that... that call right now.

**Chairman Froessel:** Actually, Ashley sent me a note on the chat that's says she has the prior variances that were granted. Ashley, can you put those up on the screen? We may need some more time. I'm not saying Andres is wrong. We may need some more time to look at them, but maybe it's a good idea just to put them up while you have them.

**Mr. Camarda:** You need a bigger screen, I think. (Laughter.)

**Ms. Ley:** So they were, they're broken into sections. Here's the... these are all the variances that were granted for the freestanding signs. As you can see, there were a number of variances for each of the freestanding signs. It was a different site layout at that time. There were two entrances from Route 6. There was one here and one here. So a number of the variances... What's that?

**Chairman Froessel:** That's why there was the third monument sign because there was that other entrance.

**Ms. Ley:** Right. So under the new project, they realigned the entrances so that it's directly across from Farrington Road. The entrance is actually going to be coming in here. Actually, it's closer to here and Farrington Road's going to be straightened, and these two entrances will be eliminated so there will only be one entrance. So that is why they have the extras.

**Mr. Contelmo:** Just to be clear, Ashley, there is a future right-in, right-out at the east end of the site, and there may be signage that may be appropriate there in the future. So, there is just to clarify the record, there is an entrance there in the future.

**Mr. Camarda:** Yes. We... look, we made the move because DOT said to us 'we've looked at this and over the 10 years, we've analyzed this, and we think your main entrance should be moved west. So we can get rid of this angled road, Farrington Road that cars are going across Route 6 on an angle.' So their suggestion, we are now bringing it as Ashley said clearly... up, that sign is moving west. We may require, though, main entrance signal lights here. We're doing a million dollars' worth of improvements by the way to Route 6. We're probably going to need a second way of egress but this would be right-in, right-out. With this entrance, it's going to be a full-functioning access to Route 6. So yes, there probably would be a need for a single monument sign at this end. For the retailer who's down in this section, this would be a right-in and right-out.

**Chairman Froessel:** OK. Now, Ashley, this table is for the freestanding signs?

**Ms. Ley:** Yes.

**Chairman Froessel:** And for those who were not on the Board at that time, that's the M-1, M2 and M3 are the three monument signs out on the road. Then the S-1, that's that clocktower sign, right?

**Ms. Ley:** Yes, and there's an image of the clocktower. These were the monument signs on the way in. So, they were much larger than what the current project... This was the monument tower that was on the rear of the property.

**Chairman Froessel:** OK.

**Ms. Ley:** Then there were a number of variances that are all color coordinated for the individual signs. Let's see.

**Mr. Camarda:** A lot of signs but if you look at the actual center. In light of the center, there aren't that many signs on the center, right, but the number is, if you'd like the number, there's no number here. A lot of them say 'no variance required' so...

**Chairman Froessel:** As I look at this, off the top of my head, I'm wondering if maybe...

**Boardmember Vink:** Andres right... Andres is right.

**Chairman Froessel:** Yeah, I think so because I think we may need to do some sort of a written resolution that's more definite than what we can come up with off the top of our heads tonight.

**Mr. Camarda:** I understand that, Mr. Chairman, and I kind of agree with you on that. I don't think we have to shoot from the hip here. Look, I don't... I think you're all people of good intentions and good will and I feel I'm the same way. So if you need a little time to just dot your i's and feel more comfortable, I'll feel more comfortable. That's fine.

**Chairman Froessel:** I think that's the right way to go here, and then we can do that, but before we break off tonight and you don't have to necessarily answer me on this right away. Would you be willing to amend your application to get rid of one of the signs on the south side and the 4-ft. sign on the east side?

**Mr. Camarda:** Yes, I would say right now I'll 100% agree to take off that big sign on the south side and I'm reluctantly agreeing to take off that small one. I'm probably going to talk to Restaurant Depot about it to be honest with you. I don't see it's a problem. I'm being honest with you so, 100% on one and I'm 75% on the other. I just want to get their blessing on it to do that.

**Chairman Froessel:** OK, when you talk to them, can you possibly get in touch with Victoria and let her know your position on that?

**Mr. Camarda:** Oh, sure.

**Chairman Froessel:** OK. The sooner the better obviously, because once we have all the information. If we have all the information, especially in advance of the next meeting, we should be able to vote and send you on your way next month.

**Mr. Camarda:** That would be great if we could. I will make a point Monday. By Thursday, I'll have Victoria the information, OK. It's a simple answer on that.

**Chairman Froessel:** OK. That would be great. OK. So we will hold this Public Hearing open. I won't close it, and this will be number one on the agenda in June.

**Mr. Camarda:** Now, June, what day do you meet in June, guys? I just wanted to.

**Chairman Froessel:** Victoria probably has that date.

**Ms. Desidero:** I think it's June 18<sup>th</sup>.

**Chairman Froessel:** I'm thinking... Is it June 15<sup>th</sup> actually?

**Ms. Desidero:** Sorry, hang on.

**Chairman Froessel:** It's June 15<sup>th</sup>.

**Ms. Desidero:** It is June 15<sup>th</sup>. I'm sorry, my mistake.

**Mr. Camarda:** Can I ask Victoria a question, procedurally?

**Chairman Froessel:** Certainly.

**Mr. Camarda:** If I came out of the meeting on the 15<sup>th</sup> with the variance, can I appear on June 18<sup>th</sup> at the ARB? Can I make a submission to the ARB so I don't miss the June meeting and end up in July? Because we want to... I want to get them to do what they want; which is to break ground in July? So, my...

**Ms. Desidero:** I don't think that's a problem, Mr. Camarda. The only thing is that the meeting for the ARB is probably the 24<sup>th</sup> of June. I don't have my calendars with me but it's usually the fourth Wednesday. But yes, you could amend your package to them once you get your variances. Right, Ashley?

**Ms. Ley:** Yes, and I'd also like to point out that you don't need to have your signs approved to get your final Site Plan and Special Permit approval from the Town Board. So, potentially, you could move forward with your building permits and get your signs at a later date; which is what many applicants do.

**Mr. Camarda:** I know. The problem is when you're dealing with a big company, they want to dot every i, cross every t before their lawyers say they can do anything. So one silly, or two silly signs will stop them from moving forward.

**Chairman Froessel:** Darn lawyers.

**Mr. Camarda:** What?

**Chairman Froessel:** Darn lawyers.

**Mr. Camarda:** Those d\*mn lawyers. That's exactly... Those d\*mn lawyers.

**Chairman Froessel:** John, you have your hand up?

**Boardmember McNeill:** I just want to make it clear that because, again, what we just saw in the last five minutes, I knew no, I never saw any of that. So, Mr. Camarda, I mean, I think it's a good idea that you go back to Restaurant Depot about the proposed reductions that we have spoken about Restaurant Depot. I'm not concerned with any sign variances that were granted 10 years ago, five years ago so I'd like to concentrate on what we're trying to do. I understand the Board has to take that into consideration, but I want to, I want to be clear that we're going to be voting on what's proposed for Restaurant Depot and if you have to separate that out before the next meeting, I think you should do that. I think that the Board has been more than generous in the few reductions and I think it's a great project. I mean there's a couple of signs here we're talking about, but that whole other stuff that you guys were talking about, I know nothing about it. I don't want to get involved with it.

**Chairman Froessel:** Well, you didn't want to be involved with it 10 years ago. (Laughter.)

**Mr. Camarda:** Come on, you're showing a prejudice now... come on.

**Boardmember Vink:** I voted in favor of all 27 of those variances so. (Laughter.)

**Boardmember McNeill:** On with the understanding that, I mean, we're going to concentrate on Restaurant Depot signage, correct? I mean, I don't know if the lawyers have to get together before that June 15<sup>th</sup> meeting, but I think we should be focused on what we're trying to do for Restaurant Depot to get that moving.

**Chairman Froessel:** All of this is geared towards getting, you know, getting a decision on the application before us, but making sure that prior business is wrapped up as well simultaneously.

**Boardmember McNeill:** And I, obviously you guys have a decade more knowledge than I do of... I mean, I saw that, it scared me, all those variances. I just... you know, I want to make sure we're concentrating on what we're doing here.

**Chairman Froessel:** It was without a doubt the most substantial Sign Variance request that I've seen while I'm here.

**Boardmember McNeill:** I can imagine.

**Chairman Froessel:** OK. So, Ashley, can you and Victoria coordinate to maybe get me copies of those, the sign variance legends that you just put up on the screen?

**Ms. Ley:** Yes, I just emailed it to everyone.

**Chairman Froessel:** Fantastic, wonderful. OKS so Mr. Camarda, we'll see you next month. My guess is we'll probably be in this format again; not in person. So get in touch with Victoria, let her know and we'll move from there. I'm hopeful we can come to a resolution on this next month.

**Mr. Camarda:** Hope so and I hope I can get on that Board on the, June 24<sup>th</sup>, the ARB. Hopefully, that will move so at least I'm in a position to say to them 'we've got to break ground now.' I just... I'm fearful that bad news comes in September or August or this fall, and you know what happens. They just pull the plug, or they say, let's kick it over to next spring, then time kills these deals.

**Chairman Froessel:** Understood, understood. It's not our intent to unnecessarily delay you in any way.

**Mr. Camarda:** All right.

**Chairman Froessel:** OK. Thanks very much.

**Mr. Camarda:** Thank you for your patience tonight.

**Chairman Froessel:** You're welcome.

### **Meeting Minutes**

**Chairman Froessel:** OK. For the Board members, in terms of voting on last month's minutes, they're not complete yet so I don't think we can vote on them. Victoria?

**Ms. Desidero:** Sorry, they're not. We're working on it.

**Chairman Froessel:** I was reading along and got to the middle of application number six and said 'OK, that's an abrupt end.'

**Ms. Desidero:** So you did read my e-mail?

**Chairman Froessel:** Yes.

**Ms. Desidero:** We have a lot... every Board now... the meetings have to be verbatim. It used to be just the ZBA, but now it's every Board. So they take a long time.

**Chairman Froessel:** I have a couple of very minor edits to what you sent and I'll send those to you by e-mail.

**Ms. Desidero:** I appreciate that. I didn't really even proof them so I would appreciate that.

**Chairman Froessel:** OK. Very good. Unless anybody has any other business, I'll make a motion to adjourn the hearing.

The motion to adjourn the meeting was introduced by Chairman Froessel seconded by Boardmember Cassidy and passed all in favor.

Respectfully submitted,  
Victoria Desidero  
JoAnne Ciralli

**FULL AUDIO RECORDING OF THIS MEETING AVAILABLE AT:** <https://www.southeast-nj.gov/335/Zoning-Board-of-Appeals-Audio-Files>